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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,698	10/29/2003	Christopher Wallace Willoughby	7261.3002.002	5274

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DICKINSON WRIGHT PLLC
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EXAMINER

MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/696,698	Applicant(s) WILLOUGHBY ET AL.	
	Examiner Thomas A. Morrison	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-55 is/are pending in the application.
- 4a) Of the above claim(s) 22-55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7, 8, 10-15 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 5 and 16 is/are rejected.
- 7) ☒ Claim(s) 6, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment of 10/19/2006 has been entered.
2. The indicated allowability of claims 5 and 16 is withdrawn in view of U.S. Patent No. 3,985,264 (Shaw et al.). The examiner regrets any inconvenience that may have been caused by this new Office Action. The examiner did not appreciate the disclosure of the Shaw et al. patent as compared to the breadth of claims 5 and 16 of the instant application. Rejections based on this reference follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,985,264 (Shaw et al.).

Regarding claim 5, Figs. 1-12 show an apparatus for dispensing packages of medication (16) having dispensatory instructions thereon (see e.g., column 3, lines 38-45), comprising:

a body (including 14 and 29) having an internal cavity and an outlet (22);

an actuator (including 65) received in the cavity;

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a feed mechanism (including 36, 60 and 62) received in the cavity and in operable communication with the actuator (including 65) for feeding and dispensing the packages of medication (16) toward the outlet (22);

a processing unit (Fig. 12) in operable communication with the actuator (including 65);

a reading device (38) received in the cavity and in communication with the processing unit (Fig. 12), the reading device (38) relaying the dispensatory instructions on the packages to the processing unit (Fig. 12), the processing unit (Fig. 12) communicating with the actuator (including 65) and causing the feed mechanism (including 36, 60 and 62) to dispense each of the packages toward the outlet (22) at a specified time;

the feed mechanism (including 36, 60 and 62) having a pair of feed rollers (including two driven members 60 and two unnumbered shafts) arranged to engage the packages (16) as the packages pass between the feed rollers (including two driven members 60 and two unnumbered shafts) and a pair of dispensing rollers (including two driven members 62 and two unnumbered shafts) arranged to engage the packages (16) as the packages (16) pass between the dispensing rollers (including two driven members 62 and two unnumbered shafts); and

an idler member (36) in operable communication with one of the feed rollers (either element 60 and its unnumbered shaft) and one of the dispensing rollers (either element 62 and its unnumbered shaft), the idler member (36) causing the one feed

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roller (the element 60 and its unnumbered shaft) and the one dispensing roller (the element 62 and its unnumbered shaft) to rotate in response to rotational movement of the idler member (36). More specifically, the idler member (36) rotates, which then feeds the medication (16) and the medication (16) forces at least one element 60 and at least one element 62 to rotate. As such, the idler member (36) is in operable communication with one of the feed rollers (either element 60 and its unnumbered shaft) and one of the dispensing rollers (either element 62 and its unnumbered shaft) via the medication (16).

Regarding claim 16, Figs. 1-12 show an apparatus for dispensing packages of medication (16) having dispensatory instructions thereon (see e.g., column 3, lines 38-45), comprising:

- a body (including elements 14 and 29) having an internal cavity (space inside 14 and space inside 29) and an outlet (22);

- an actuator (including 65) received in the cavity (space inside 14 and space inside 29);

- a feed mechanism (including 36, 60 and 62) received in the cavity (space inside 14 and space inside 29) and in operable communication with the actuator (including 65) for feeding and dispensing the packages of medication (16) toward the outlet (22);

- a processing unit (Fig. 12) in operable communication with the actuator (including 65);

a reading device (38) received in the cavity (space inside 14 and space inside 29) and in communication with the processing unit (Fig. 12), the reading device (38) relaying the dispensatory instructions on the packages (16) to the processing unit (Fig. 12), the processing unit (Fig. 12) communicating with the actuator (including 65) and causing the feed mechanism (including 36, 60 and 62) to dispense each of the packages toward the outlet (22) at a specified time; and

further comprising a chamber (storage area inside 15 and 19) in the cavity (space inside 14 and space inside 29), the chamber (storage area inside 15 and 19) capturing any packages of medication (16) not dispensed through the outlet (22) within a specified time interval.

Allowable Subject Matter

4. Claims 1-4, 7-8, 10-15 and 19-21 are allowed. Claims 6, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

01/16/2007



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